

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

TABITHA HOLT and CLYDE SUTHERLAND,)	
)	
Plaintiffs,)	
)	
vs.)	Cause No. 4:19-cv-102
)	
QUALIFIED TRUCKING SERVICE, INC.,)	Franklin County Circuit Court
)	Cause No. 18AB-CC00258
)	
Defendant.)	

NOTICE OF REMOVAL

COMES NOW Defendant Qualified Trucking Service, Inc., by and through the undersigned counsel, pursuant to 28 U.S.C. § 1446(b), and files this Notice of Removal to the United States District Court for the Eastern District of Missouri, Eastern District, and for grounds of this Notice of Removal, states:

1. The above-entitled action, filed and now pending in the Circuit Court of Franklin County, Missouri, involves Plaintiffs, who reside in Ohio and West Virginia respectively, and Defendant, a dissolved foreign corporation, formally incorporated in the State of California. (*See* Plaintiffs' Complaint, attached hereto and incorporated as Exhibit 1).
2. Defendant was served Plaintiffs' Complaint on December 28, 2018.
3. As required by 28 U.S.C. § 1446(b), Defendant's Notice of Removal is filed in this Court within thirty (30) days after the receipt by Defendant of a copy of Plaintiffs' Complaint in said action, setting forth a claim for relief upon which said action is based, which was served upon Defendant.

4. The United States District Court for the Eastern District of Missouri has diversity jurisdiction over this case because the matter in controversy exceeds the sum of \$75,000.00 and is between citizens of different states.
5. Therefore, pursuant to 28 U.S.C. § 1332, this Court has original jurisdiction over Plaintiffs' cause of action as complete diversity exists, authorizing removal to this Court pursuant to 28 U.S.C. § 1446(b).
6. As Plaintiffs' Complaint was originally filed in Franklin County, Missouri, removal to this judicial district and division is appropriate pursuant to 28 U.S.C. § 1441(a).
7. This Court has supplemental jurisdiction over all claims contained within Plaintiffs' Complaint, pursuant to 28 U.S.C. § 1367, because said claims arise between the same parties and out of the same controversy which serves as the basis of Plaintiffs' claims.
8. Furthermore, as required by 28 U.S.C. § 1446(a), Defendant attaches a copy of all process, pleadings, and orders served upon Defendant in said action, attached hereto as Exhibit 2.
9. Contemporaneously with the filing of this Notice of Removal, and pursuant to 28 U.S.C. § 1446(d), Defendant is filing a copy of this Notice of Removal with the Clerk of the Circuit Court of Franklin County, Missouri, and is serving a copy on counsel for Plaintiffs.

WHEREFORE, Defendant prays this Honorable Court accept jurisdiction of said action.

/s/ Steven J. Hughes

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I hereby certify that a copy of the foregoing filed electronically with the Clerk of the Court this 25th day of January 2019 to be served by operation of the Court's electronic filing system upon the following or U.S. mail for parties not registered with CM/ECF, on this 25th day of January 2019: **Mr. Tim E. Dollar**, Attorney for Plaintiff, 1100 Main Street, Suite 2600, Kansas City, Missouri 64105.

/s/ Steven J. Hughes